

## Agricultural Marketing Service, USDA

## § 967.26

### § 967.9 Marketing year, fiscal year or season.

*Marketing year, fiscal year or season* means the 12 months from August 1 to the following July 31 inclusive, or such other period which the committee, with the approval of the Secretary, may establish.

### § 967.10 Committee.

*Committee* means the Florida Celery Committee established pursuant to § 967.25 of this part.

### § 967.11 Crate.

*Crate* means celery crate No. 3601 or its equivalent.

### § 967.12 Base Quantity.

*Base Quantity* means the number of crates of harvested celery determined by the committee pursuant to § 967.37 for a producer.

### § 967.13 Marketable Quantity.

*Marketable Quantity* means the total amount of celery which should be handled in a current season.

### § 967.14 Marketable Allotment.

*Marketable Allotment* means with respect to each producer the amount of harvested celery which may be purchased from, or handled on behalf of, such producer.

### § 967.15 Uniform percentage.

*Uniform percentage* means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities registered by producers as provided in § 967.38.

[42 FR 32763, June 28, 1977]

### § 967.16 Grade and size.

*Grade* means any of the established grades of celery and *size* means any of the established sizes of celery stalks per crate as defined and set forth in the U.S. Standards for Celery (§§ 51.560 to 51.588, inclusive of this title) or U.S. Consumer Standards for Celery Stalks (§§ 51.595 to 51.613, inclusive of this title), issued by the U.S. Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the

committee and approved by the Secretary.

[33 FR 17846, Nov. 30, 1968]

### § 967.17 Farm operation.

*Farm operation* means the production of celery for one or more holders of a Marketable Allotment by a single farming entity under contract or other arrangement.

[33 FR 17846, Nov. 30, 1968]

### § 967.18 Flow-to-Market period.

*Flow-to-Market period* means any period or periods of one or more days which the committee may establish with the approval of the Secretary for the purposes of Flow-to-Market regulations.

[33 FR 17846, Nov. 30, 1968]

## FLORIDA CELERY COMMITTEE

### § 967.25 Establishment and membership.

(a) There is hereby established a Florida Celery Committee consisting of 16 members, including 15 producer or handler members and one public member to administer the terms and provisions of this part. Each shall have a respective alternate who shall have the same qualifications as the member.

(b) The Secretary, upon the recommendation of the committee, may reestablish the number of producer or handler members on the committee. In recommending any such change, the committee shall give consideration to the total number of growers and handlers in the production area during the current or previous season, and other relevant factors. A change in the number of committee members can become effective at any time, provided, the effective date is more than 30 days prior to the date on which nominations are held.

[42 FR 32763, June 28, 1977, as amended at 48 FR 10806, Mar. 15, 1983]

### § 967.26 Eligibility.

Each member and alternate of the committee, except for the public member and alternate, shall be at the time of his selection and during his term of

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office, a producer or handler, or an officer or employee of a producer or handler in the group for which selected. The public member shall be neither a producer nor handler and shall have no direct financial interest in the production or marketing, except as a consumer, of agricultural products.

[42 FR 32763, June 28, 1977]

### § 967.27 Nominations.

Nominations for committee members and alternates may be made in the following manner:

(a) Growers in each group, as established in paragraph (d) or as reestablished pursuant to paragraph (g) of this section, may nominate persons for each member and alternate position in their respective group.

(b) A meeting of producers shall be held in the production area to nominate members and alternates to the committee. The incumbent committee shall hold such meeting or cause it to be held prior to July 1 of each year. Nominations thereat shall be certified to by the committee and submitted to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary. If such nominations are not made in the manner specified by July 1, the Secretary may select representatives for such positions without nominations.

(c) At each such meeting, the eligibility of each producer, and each handler shall be recorded for purposes of determining participation in respective groupings.

(d) Five groups shall be established from which nominations and committee selections shall be made, as follows:

*Group 1—South Florida District:* Martin, Dade, Broward, Collier, Monroe, Lee, Charlotte, St. Lucie, Okeechobee, Highlands, Indian River, Glades, Hendry, and Palm Beach Counties—five (5) members and their alternates.

*Group 2—Central Florida District:* Orange, Seminole, Lake, Polk, Osceola, Brevard, and Volusia Counties—three (3) members and their alternates.

*Group 3—West Coast-North Florida District:* All the counties not embraced in Groups 1 and 2—two (2) members and their alternates.

*Group 4—* The producer or producers whose celery was handled by the handler who

handled in the previous or current season, whichever is applicable, the second largest volume of celery—two (2) members and their alternates.

*Group 5—* The producer or producers whose celery was handled by the handler who handled in the previous or current season, whichever is applicable, the largest volume of celery—three (3) members and their alternates.

(e) Each producer is entitled to cast only one vote for each position in the group wherein he produced celery for market in the current season and possesses a Base Quantity. If a producer has so qualified in more than one group, he may elect the group in which he shall vote but he can vote for nominees in only one group. Any producer in Group 4 or Group 5 shall not be entitled to vote for nominees in other groups.

(f) The members of the committee selected by the Secretary pursuant to § 967.32 shall nominate a public member and alternate member of the committee. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by the July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary.

(g) The Secretary, upon recommendation of the committee, may reestablish groups and may reapportion committee membership among the various groups. In recommending such changes, the committee shall give consideration to: (1) Changes in the relative positions of existing groups with respect to celery production and shipments; (2) changes in the numbers of producers and handlers in each group; and (3) other relevant factors. A change in the establishment of groups or in apportionment of members among groups can become effective at any time, provided, the effective date is more than 30 days prior